

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 8, 2008

DIVISION ONE

B185673 City of Los Angeles (Certified for Publication)
B188182 v.
 2000 Jeep Cherokee etc.,
 Richard Reinsdorf

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B198304 People (Not for Publication)
 v.
 Jimenez

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

January 8, 2008 (Continued)

DIVISION ONE (continued)

B196326 People (Not for Publication)
v.
Calbert

The order to pay restitution to CIGNA Insurance is reversed. The judgment is otherwise affirmed.

Rothschild, J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

DIVISION TWO

B191346 Niems (Not for Publication)
v.
Niems

The judgment is affirmed. Respondents are awarded their costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B197769 People (Not for Publication)
v.
Jay Curtis Brooks

The Court:

The judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

DIVISION TWO (continued)

B191544 Bratton
v.
Van Dyke, et al.

Filed order denying petition for rehearing.

DIVISION THREE

B192176 People (Not for Publication)
v.
Terry Michael Hansen

Affirmed in part, vacated in part, and remanded with directions.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B195998 People (Not for Publication)
v.
Cook

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

January 8, 2008 (Continued)

DIVISION FOUR (continued)

B193377 People (Not for Publication)

v.
Esparza

The one-year enhancement under section 667.5, subdivision (b), is stricken. The superior court is directed to prepare an amended abstract of judgment so reflecting, and to send it to the Department of Corrections. In all other respects, the judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

B197333 People v. Mariscal

Argument waived, cause submitted.

B195197 People
v.
Reyes Conchas and Julio Hernandez

Merits:
Argued by Diane Teran and Maria Morrison for appellants and by
Stephanie Miyoshi, deputy attorney general, for respondent. Cause
submitted.

Court recessed.

January 8, 2008 (Continued)

DIVISION FIVE (continued)

Court reconvened at 10:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

Each of the following:

B196194 Peo v. Wallace

B198838 DCFS v. Quang V.

B198186 DCFS v. Shannon P.

Argument waived, cause submitted.

B193379 Rafael Bernardino et al
 v.
 Granatelli Motor Sports et al

Merits:

Argued by Stanley Friedman for appellants and by David Gurnick for respondents. Cause submitted.

Court recessed.

Court reconvened at 11:00 a.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B203007 Peo v. Walker

B198523 Burman v. Taneja

Argument waived, cause submitted.

January 8, 2008 (Continued)

DIVISION FIVE (continued)

B194480 People
 v.
 Henry Tolliver

Merits:
Argued by Zachary Wechsler for appellant and by Stephanie Miyoshi,
deputy attorney general, for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

199994 DCFS v. Krystal I.
199519 DCFS v. Anita G.
B198041 Peo v. Jimie S.

Argument waived, cause submitted.

B198262 Ernest Radillo
 v.
 Superior Nissan of Missio Hills

Merits:
Argued by Laura Anson for appellant. Respondent waived argument.
Cause submitted.

January 8, 2008 (Continued)

DIVISION FIVE (continued)

B195219 City of Palmdale
 v.
 Board of Directors of the Antelope Valley Healthcare District

Merits:
Argued by Roger Coven for appellant and by June Ailin for
respondents. Cause submitted.

Court adjourned at 1:50 p.m.

B193950 Kelvin Gant
 v.
 City of Los Angeles

Filed order denying petition for rehearing.

B190876 People
 v.
 Rogelio Cabrera

Filed order denying petition for rehearing.

B179022 Zengen, Inc.
 v.
 Comerica Bank

Filed order denying petition for rehearing. Mosk, J. would grant rehearing.

January 8, 2008 (Continued)

DIVISION SIX

B189746 People (Not for Publication)
v.
Rowans

The appeal is dismissed.

Perren, J.

I concur: Gilbert, P.J.
I dissent: Yegan, J. (Opinion)

DIVISION SEVEN

B198772 In re Victoria P., a minor (Not for Publication)
 Los Angeles County, D.C.S.
 v.
 Leroy P.

The jurisdiction and disposition orders of the juvenile court are affirmed. The matter is remanded to the juvenile court for compliance with the ISWA notification requirements and for further proceedings not inconsistent with this opinion.

Perluss, P.J.

We concur: Zelon, J.
Wiley, J. (Assigned)

January 8, 2008 (Continued)

DIVISION SEVEN (continued)

B194351 FNF Construction, Inc. (Not for Publication)
 v.
 Diversified Product Industries, Ltd.

The judgment is reversed and the matter is remanded with directions to the superior court to enter a new and different order denying FNF's summary motion. Each side is to bear its own costs on appeal.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

B193114 Pagarigan
 v.
 Greater Valley Medical Group

Filed order denying petition for rehearing.

DIVISION EIGHT

B193120 People v. Narvaez (Not for Publication)
B197970 In re Virgil Narvaez on Habeas Corpus.

The judgment is affirmed, and the petition for writ of habeas corpus is denied.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

DIVISION EIGHT (continued)

[illegible]

The order terminating Gerardo's parental rights is reversed. The matter is remanded to the juvenile court with directions to conduct a hearing to address whether legally sufficient grounds independent of poverty currently exist to assert jurisdiction over the boys. If the juvenile court determines no legitimate grounds for jurisdiction exist at this time, it shall take the necessary steps to return the boys to Gerardo's custody. If the court determines grounds for jurisdiction exist, it shall order DCFS to comply with the notice provisions of the ICWA. If, after proper notice, the court finds the children are Indian children, the juvenile court shall proceed according to the provisions of the ICWA. If, on the other hand, the court finds the children are not Indian children, the juvenile court shall renew reunification services and related efforts, including the provision of assistance in obtaining low-income housing, to reunify Gerardo and his sons. Only in the event those renewed efforts fail may the juvenile court proceed to terminate his parental rights.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B190143 Bankers Realty Inc. et al., (Not for Publication)
v.
Shiotsugu

The judgment is affirmed. Alice Shiotsugu is to recover her costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

DIVISION EIGHT (continued)

B198476 People (Not for Publication)
v.
Matildes

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B197958 Asuncion et al., (Not for Publication)
v.
Howard et al.,

The order denying appellants' motion to strike pursuant to section 425.16 is reversed, and the case is remanded with directions to enter an order granting appellants' motion to strike. Appellants are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Egerton, J. (Assigned)